

DISCRIMINATION COMPLAINTS

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIA Title I - financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

RELIGIOUS ACTIVITIES

Participants who believe that they are being employed in violation of any WIA religious activity prohibition may file a complaint in the same manner and subject to the same procedures as in the section, "What To Do If You Believe You Have Experienced Discrimination."

NON-WIA REMEDIES

In any case where the alleged violation of the Act or regulations is also an alleged violation of another law, nothing in this process shall prohibit an individual or an organization from filing a complaint or grievance with the appropriate authority under that law.

APPEALS PROCESS

The state or local EO officers will provide detailed information about the process to submit appeals. All requests for appeals must be filed within 60 days of the receipt of the decision being appealed.

A complaint cannot be processed as both a program complaint and a discrimination complaint. A discrimination complaint includes as a basis for mistreatment, one of the prohibited factors: race, color, national origin, sex, religion, age, disability, political affiliation or belief or, for participants, participation in any WIA Title I program or activity or citizenship.

ALTERNATIVE DISPUTE RESOLUTION (ADR) MEDIATION PROCESS

During the initial 90 day processing period complainants may voluntarily elect Alternative Dispute Resolution (ADR), a more flexible, less adversarial means of resolving discrimination complaints. See local or state EO Officer for details.

CRIMINAL COMPLAINTS

Complaints alleging fraud, abuse, waste or criminal activity must be reported immediately to the Department of Labor, Office of Inspector General-Investigations, Room S5514, 200 Constitution Avenue NW, Washington, DC 20510-55514, or the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The hotline number for information and reporting is 800.347.3756. The required incident report forms are available from either the program operator or the Division of Workforce Development (DWD). Program operators must simultaneously notify DWD of the filing of any incident report with the Office of Inspector General.

PROHIBITION AGAINST REPRISAL

The LWIA and its divisions or any organization or agency within, is prohibited from retaliation against a complainant or individual associated with or participating in a complaint filed or caused to be instituted proceedings under or relating to the Act, has testified or is about to testify in proceedings or has provided information or assisted in an investigation. The sanctions and penalties contained in Section 188 of WIA or the regulations will be imposed against any recipient that engages in any such retaliation or intimidation, or fails to take appropriate steps to prevent such activity.

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

- Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
- Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/-status as a lawfully admitted immigrant authorized to work in the United States or his or her participation in any WIA Title I- financially assisted program or activity.

CONFIDENTIALITY OF INFORMATION

The identity of any person who has furnished information relating to or assisting in the investigation of a possible violation of the Act shall be kept confidential to the extent possible, consistent with the need to conduct a fair review of the issues.

**For further information or assistance,
please telephone or write to the
contact person listed below.**

Contact Name

Program Operator

Address

City

State

Zip

Phone

E-Mail

Auxiliary aids and services are available upon request to individuals with disabilities.

Alternate formats for non-English speaking individuals available upon request.

The Missouri Division of Workforce Development is an Equal Opportunity Employer/Program.

WORKFORCE INVESTMENT ACT

Complaint and Grievance Guide

for the MISSOURI ONE-STOP SYSTEM



Acknowledgement of Receipt

I have received a copy of the Workforce Investment Act Complaint/-Grievance Procedure pamphlet, have been given an opportunity to ask questions and by my signature below, I declare that I fully understand the procedure.

Signature

Date

Signature of Staff Issuing Pamphlet

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

- Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
- Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States or his or her participation in any WIA Title I - financially assisted program or activity.

INTRODUCTION

This brochure describes the complaint processing procedures required of all Workforce Investment Act Title I - financially assisted grant recipients/service providers. Any person who believes that either he or she, or any specific class of individuals, has been, or is being subjected to discrimination prohibited by the Workforce Investment Act (WIA), may file a written complaint, either by him/herself or through a representative. It is important to recognize that under the One-Stop system introduced by WIA, various programs and activities that are authorized by Federal laws other than WIA may be part of a One-Stop delivery system that also provides WIA Title I - financially assisted programs and activities. In such cases, any individual who receives aid, benefits, services or training from the One-Stop system is a participant for the purposes of the nondiscrimination and equal opportunity provisions of WIA. The Workforce Investment Act (WIA) permits program operators, contractors, grantees, sub-grantees, sub-recipients, sub-contractors and any other interested party to file grievances about Title I - financially assisted programs or activities using the procedure described within.

PROGRAM COMPLAINTS

The Workforce Investment Act allows for a process for resolution of grievances and complaints from participants and other interested parties affected by the local Workforce Investment System, including One-Stop partners and service providers. If you believe you have been unjustly denied any benefit or service allowed under the Workforce Investment Act (WIA) or have reason to believe any of the following situations has occurred: a violation of the Act, federal regulations, as well as, those arising from actions such as state-level audit findings or disallowance, or the imposition of sanctions taken by the Governor with respect to state audit findings, investigations, or monitoring reports; the Workforce Investment Act requires that statewide program operator procedures (Steps 1 and 2) must first be exhausted before a complaint may be escalated to the State, Division of Workforce Development (DWD). Likewise, State level procedures must be exhausted before escalating a complaint to the U.S. Department of Labor except in complaints alleging discrimination. For all non-employment related grievances or if a participant is unable to satisfactorily resolve any employment related grievance with his/her employer, the participant must utilize the procedure contained in this brochure to seek further resolution.

During orientation, participants are informed whether they will file any employment-related complaint through their employer's grievance procedures or the program operator's procedures, as described in Step 1 and 2. If the employer's procedure is used, the time frames and steps contained therein will be adhered to.

STEP 1

The complainant will file the grievance in writing with the program operator. The program operator has seven (7) days from the date the written grievance is received to investigate and provide a written decision to the complainant, respondent and local EO Officer.

STEP 2

If the decision fails to satisfactorily resolve the grievance, the complainant has five (5) days from the receipt of the program operator's decision to present a written request for an impartial hearing and review of the decision. The program operator must ensure that a qualified hearing officer conducts an impartial hearing, within thirty (30) days of the original receipt of the written grievance. The complainant and respondent (if not the program operator) will be provided a written notice of the date, time and place of the hearing and all parties will have the opportunity to present evidence and to be represented by an attorney or other individual of his/her choice.

The qualified hearing officer is to present a written decision to the program operator, who in turn, issues a decision to the complainant/respondent. In any case, the program operator must issue a written decision within sixty (60) days of the original receipt of the written grievance. If the decision fails to satisfactorily resolve the grievance, a party to the grievance may request a State review under the procedures outlined in Step 3.

STEP 3

To request a State review, the disappointed party must submit its request, in writing, to:

**Division of Workforce Development (DWD)
WIA Equal Opportunity
421 E. Dunklin, P.O. Box 1087
Jefferson City, MO 65102-1087**

This request must be received by DWD not more than ten (10) days after the disappointed party received the written decision from the program operator or, if no decision was rendered, within fifteen (15) days of the date the decision should have been received. The review process by DWD may be conducted by DWD staff, an impartial hearing or by any other means of independent review or investigation. DWD will provide a written final decision to the parties within sixty (60) days of the date the request for review was received.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIA Title I - financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

**Juanita Davis Reynolds, State WIA,
Equal Opportunity Officer**
Missouri Department of Economic Development
Division of Workforce Development
421 E. Dunklin, P.O. Box 1087
Jefferson City, Missouri 65102-1087
Phone: 573.751.2428 Fax: 573.751.4088
Missouri TTY User: 800.735.2966 or 711
OR
The Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, DC 20210
Voice: 202.693.6502 TTY: 202.693.6515

A complainant may file a complaint by completing and submitting the Discrimination Complaint Information and Privacy Act Consent Forms, which may be obtained either from the State or local Equal Opportunity Officer or by contacting the U.S. Department of Labor's Civil Rights Center at the address listed above.

If you file your complaint with the Division of Workforce of Development (DWD), you must wait either until DWD issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

*If DWD does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for DWD to issue that Notice before filing a complaint with the CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with DWD). **Complaints must be filed within 180 days of the date of the alleged discrimination, unless the filing is extended by the Director of CRC for good cause shown.***

If DWD does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Auxiliary aids and services are available upon request to individuals with disabilities.

The Missouri Division of Workforce Development is an Equal Opportunity Employer/Program.

